

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DANIEL VILLALPANDO, et al.,

Plaintiffs,

v.

EXEL DIRECT INC., et al.,

Defendants.

Case No. 12-cv-04137-JCS

**ORDER APPROVING PLAINTIFFS'  
REQUEST TO SUBSTITUTE IN JOSE  
ALCALA AS A REPRESENTATIVE  
PLAINTIFF**

Re: Dkt. No. 215

In its summary judgment order, the Court granted Plaintiffs leave to substitute in one or more representative plaintiffs who are currently working as delivery drivers for Defendant Exel Direct Inc. (n/k/a MXD Group, Inc.) (hereinafter, "Exel/MXD") to represent current drivers with respect to Plaintiffs' claim for injunctive relief. *See* Docket No. 210. Plaintiffs have requested approval for Mr. Jose Alcala, who has been driving his own truck as an independent contractor for Exel/MXD since July 2012 and continues to work in that capacity. Plaintiffs have presented evidence that Mr. Alcala will be an adequate class representative under Rule 23(a)(4) of the Federal Rules of Civil Procedure. In particular, they have shown that he is subject to the same policies that are challenged by Plaintiffs, that he has no conflicts of interest with absent class members and that he will competently and vigorously pursue the injunctive relief claim on behalf of the absent class members. Accordingly, the Court GRANTS Plaintiffs' request for approval of Mr. Alcala as a class representative in this action.

**IT IS SO ORDERED.**

Dated: December 1, 2015

  
JOSEPH C. SPERO  
Chief Magistrate Judge